IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5050 OF 2005.
IN
CRIMINAL APPLICATION NO.5049 OF 2005.

The State of Maharashtra. ... Applicant.
Versus.
Chandrakant Narayan Birhade & anr. ... Respondents.

Ms.S.V.Gajare, A.P.P. for the Applicant.

Shri Gajendrasingh Jadhav for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 8th November, 2006.

P.C.:

1. Heard the learned Advocates appearing for the Applicant and Respondent No.1. The learned Advocate for Respondent No.1 has placed on record a certificate which shows that the 2nd Respondent has expired on 8th September 2005. Hence the Application does not survive against the 2nd Respondent.

2. The Application for condonation of delay is strongly opposed by the learned Advocate for the 1st Respondent. In view of the explanation offered in paragraph III of the Application, sufficient cause is made out for condonation of delay. Rule is made absolute in terms of prayer clause (a). It is obvious that the delay is condoned only in so far as the 1st Respondent is concerned. Place the Application for leave on board on 10th January 2007.

Judge.